

Doc. 10529

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Application No. 09/839,049)
)
Filed: April 23, 2001)
)
For: ODOR FREE POLYLACTIC ACID)
MODIFIED AQUEOUS EMULSION)
PAINTS FREE OF VOLATILE)
COALESCING ORGANIC SOLVENT)

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AUG 06 2003
GROUP 1700

Cleveland, OH 44115

April 16, 2003

VIA FACSIMILE (703) 305-1086
Commissioner of Patents and Trademarks
Washington, D.C. 20231

SUPPORTING AFFIDAVIT

STATE OF OHIO)
)
County of CUYAHOGA)

Duly sworn, I, Dawn A. Madison, state that:

1. I am a Paralegal for The Glidden Company, the assignee of the above identified U.S. Patent Serial No. 09/839,049.
2. I assist Glidden's Intellectual Property attorney with all matters before the U.S. Patent and Trademark Office.
3. My duties include opening all correspondence addressed to Glidden's attorneys, Thomas M. Schmitz (now retired) and/or Brian M. Kolkowski.

4. I docket any and all deadlines from Office Actions or other correspondence received into our docketing system, Legal Star system. I docket any and all deadlines in the attorney's docket calendar and also record the dates in our Legal Star electronic database.
5. I did not open, nor did I receive the Notice of Allowance indicated as sent in the Notice of Abandonment reportedly mailed November 5, 2001 for the captioned patent application.
6. I first became aware that a Notice of Allowance and the subject issue fee when we received the Patent Office's Notice of Abandonment mailed March 17, 2003.
7. Subsequent to that, I searched not only the file histories of application number 09/839,049, but those of related cases and found no indication that we received such notice.
8. Attached is a page for our Legal Star electronic database for the captioned patent application, Serial Number 09/839,049 with our matter number of 10529 and the last entry was that of the Examiner's Amendment of October 31, 2002.
9. If we had received the Notice of Allowance mentioned in the Notice of Abandonment of November 5, 2002, I would have made an entry in our Legal Star electronic database after the reply to office action mentioned above and appearing in the attachment. Since there is no entry shown in the attachment, no Notice of Allowance was received.
10. The Legal Star electronic database was instituted for our patent files around October, 2001, and this is why there is only two entries in the attachment for

matter number 10529 since those were the only actions for the captioned application since the installation of the Legal Star electronic database.

Further, affiant say naught.

Dawn A. Madison

Dawn A. Madison

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Sworn to and subscribed in my presence this 16th day of April, 2003.

Carol A. McAlonis
Notary Public

CAROL A. McALONIS
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Comm. Expires Oct. 23, 2005